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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,291	01/22/2001	Joe W. Gray	81906-719168 (175400US)	9405

20350 7590 04/19/2012  
KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
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BRUSCA, JOHN S

ART UNIT	PAPER NUMBER
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1631

NOTIFICATION DATE	DELIVERY MODE
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04/19/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com

<b><i>Examiner-Initiated Interview Summary</i></b>	<b>Application No.</b> 09/765,291	<b>Applicant(s)</b> GRAY ET AL.	
	<b>Examiner</b> JOHN S. BRUSCA	<b>Art Unit</b> 1631	

All participants (applicant, applicant's representative, PTO personnel):

(1) JOHN S. BRUSCA. (3) \_\_\_\_.

(2) Jean Lockyer. (4) \_\_\_\_.

Date of Interview: 13 April 2012.

Type:    ☒ Telephonic    ☐ Video Conference  
           ☐ Personal [copy given to: ☐ applicant    ☐ applicant's representative]

Exhibit shown or demonstration conducted:    ☐ Yes    ☒ No.  
           If Yes, brief description: \_\_\_\_.

Issues Discussed    ☐101    ☐112    ☐102    ☐103    ☒Others  
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: all pending claims.

Identification of prior art discussed: Gray et al.

**Substance of Interview**  
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The response received on 02 March 2012 after the final Office action mailed 05 January 2012 was discussed. It was agreed that the statutory disclaimer of claims 4 and 5 in Gray et al. overcomes the non-statutory double patenting rejections in the final Office action which cite claims 4 and 5. To overcome a potential new grounds of rejection over Gray et al. where Gray et al. qualifies as prior art under 35 U.S.C. 102(e) the applicants stated that they would consider the options of changing the claimed domestic priority date and filing a declaration stating that the claimed invention was made before the effective filing date of Gray et al..

**Applicant recordation instructions:** It is not necessary for applicant to provide a separate record of the substance of interview.

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/JOHN S BRUSCA/ Primary Examiner, Art Unit 1631	
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